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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|---|---|
| Applicant: | Rodrigues et al. | Examiner: | Eric B. Kiss |
| Serial No.: | 09/606,961 | Group Art Unit: | 2122 |
| Filed: | June 29, 2000 | Docket No.: | 150530.1/40062.69US01 |
| Customer No.: | 23552 | Confirmation No.: | 7182 |
| Title: | Performance Markers to Measure Performance of Features in a Program | | |

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV 407363178 US
Date of Deposit: January 15, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

By: John Hunter
Name

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JAN 27 2004
Technology Center 2100

**AMENDMENT**

Dear Sir:

This communication is in response to the Office Actions mailed on March 13, 2003 and December 16, 2003, and fully replaces the Amendment filed on August 22, 2003. Claims 1-27 are pending in the application. Claims 1, 10-13, and 18 are amended herein. Because the Applicant believes the amendments to each of the independent claims now place the case in condition for allowance, entry of the Amendment, withdrawal of the rejections, and passage of the case for allowance is respectfully requested.

**Amendments to the Abstract** begin on page 3 of this paper.

**Amendments to the Specification** begin on page 4 of this paper.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 5 of this paper.

**Amendments to the Drawings** begin on page 10 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

**Remarks/Arguments** begin on page 11 of this paper.

An **Appendix** beginning at page 14 of this paper includes five replacement sheets with Figures 1, 2, 4, 7, and 8.

GIPE
JAN 15 2004
PATENT & TRADEMARK OFFICE

01-16-04

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

☒ Transmittal Sheet in duplicate containing Certificate of Mailing.
☒ Amendment with attached Appendix (including five replacement sheets of Figures 1, 2, 4, 7, and 8) responding to Office Action mailed December 16, 2003.
☒ Return postcard.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: _____
Name: John C. Reich
Reg. No.: 37,703
JCR/RAK:pll